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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, TAI T	

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,207	DUPEIRE, WESLEY J.	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/22/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-2, 16-19, and 31are objected to because of the following informalities:

Regarding claim 1, line 7, "and/or" is not allowed.

Regarding claim 2, line 2, "on/in" is not allowed.

Regarding claims 16-19 and 31, claimed the dimension of "about" is not allowed, the dimension need to be exacted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. (US 5,663,711).

Regarding claim 1, Sanders et al. disclose a self-contained power disruption alert device (figure 1), comprising:

a housing (10) with a plurality of male conductors (26, 28) extending outwardly therefrom, the male conductors sized and configured to enter an electrical wall outlet to be in electrical communication therewith (col.2, lines 1-18);

an electronic circuit (figures 3-4) in the housing and configured to response to a power disruption in the electrical wall outlet (figure 3, col. 2, lines 59-65);

a battery (70) being in electrical communication with the electronic circuit to power the electronic circuit (figure 3, col. 3, lines 4-17); and

a speaker (48) in communication with the electronic circuit, wherein, in operation, an audible alert is output by the speaker when power to the electrical wall outlet is disrupted (figure 3, col. 2, lines 32-38).

Sanders et al. disclose the battery (70) disposed in the housing but fail to disclose a battery receiving space for holding the battery. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the battery is located inside the housing, therefore, the housing would have a space for holding the battery therein for the purpose of containing the battery in place when remove the device from one place to the other.

Regarding claim 2, Sanders et al. disclose the instant claimed invention except for the battery being releaseably. Sanders et al. disclose the battery (70) for supplying power to the circuit when the power is power is failure (col. 3, lines 10-11), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a releaseably mountable battery for the purpose of replacing when the battery is dead.

Regarding claim 3, Sanders et al. fail to disclose the housing being portable and useable in different wall outlets as desired by a user. Since Sanders et al. disclose the device being a self-contained having it own male conductors configured to connect into

the usual wall mounted electrical outlet receptacle (col. 2, lines 10-14), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the device (10) being portable and useable in different wall outlets as desired by a user.

Regarding claim 4, Sanders et al. disclose the device (10) generating an audible alert signal locally when the power is disrupted (col. 2, lines 35-38).

Regarding claim 5, Sanders et al. disclose the device further comprising a female electrical outlet (30, 32) disposed on the housing, the female electrical outlet being sized and configured to receive male conductors therein and electrically connected the male conductors to the wall electrical outlet (col. 2, lines 19-31).

Regarding claim 22, the claimed method steps would have been inherent in the product structure as stated in claim 1 above.

Regarding claim 24, the claimed method steps would have been inherent in the product structure as stated in claim 3 above.

Regarding claim 25, the claimed method steps would have been inherent in the product structure as stated in claim 4 above.

Regarding claim 26, the claimed method steps would have been inherent in the product structure as stated in claim 5 above.

4. Claims 6-11 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. in view of Malmsten (US 6,229,450).

Regarding claims 6-8, Sanders et al. disclose the instant claimed invention except for a timers being in communication with the electronic circuit configured to

determine a duration of the power disruption and being externally viewable display for providing a numerical value of the duration of the power disruption. Malmsten teaches a power interruption monitoring system (figure 1) having a timer (16) including a digital viewable display (col. 2, lines 10-27), wherein the timer being configured to determine a duration of the power disruption (col. 3, lines 1-8). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the timer with externally viewable display as taught by Malmsten in the system as disclosed by Sanders et al. for the purpose of providing viewable indicating the timing (hours and minutes) the duration of power disruption.

Regarding claim 9, Sanders et al., as modified, fail to disclose the display configured to output the power disruption duration in days. It would have been obvious to a person having ordinary skill in the art at the time the invention was made that the display timer can be modified to display duration of the power disruption in days, as desired by a user, for displaying duration of power disruption for the purpose of providing day of the event occurs.

Regarding claim 10, Sanders et al. disclose device further comprising a manually externally accessible reset switch (52) configured to allow a user to clear the timer (figure 1).

Regarding claim 11, as shown in figures 3-4, Sanders et al. disclose the electronic circuit comprises a processor (78, 90) that provides the timer that is in communication with the display.

Regarding claim 27, the claimed method steps would have been inherent in the product structure as stated in claims 6-8 above.

Regarding claim 28, the claimed method steps would have been inherent in the product structure as stated in claim 10 above.

5. Claims 12-13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. in vie of Malmsten as applied to claims 6-11 above, and further in view of Rodhall et al. (US 5,463,595).

Regarding claims 12-13, Sanders et al., as modified, disclose the instant claimed invention except for electronic memory having at least one prerecorded message that being transmitted/output during a power disruption. Rodhall et al. teach a portable security system (10) includes an electronic memory in the form of a voice synthesizer (80) having at least one prerecorded message that being transmitted/output during the predetermined time period of the motion is sensed (col. 7, lines 15-32). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the design as taught by Rodhall et al. in the system as disclosed by Sanders et al., as modified, for the purpose of providing voice message to alert the user during the power disruption.

Regarding claim 29, the claimed method steps would have been inherent in the product structure as stated in claims 12-13 above.

6. Claims 14-19, 21, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. (US 5,663,711).

Regarding claims 14-15, Sanders et al. disclose the instant claimed invention except for a visual alert device being configured to visually indicate when power disruption occurs. Since Sanders et al. disclose a visual indicator (LED 46, figure 1) configured to visually indication of the presence of power (col. 2, lines 32-35), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to design the visual alert device being configured to visually indicate to delay generating of the audible alert when power disruption occurs instead of providing indication of the presence of power for the purpose of alerting user the condition of power disruption.

Regarding claims 16-19, Sanders et al. disclose the housing has a forward surface (12), back surface (14), and a side surfaces (16, 18), and a bottom surfaces (20, 22) forming a box-like enclosure, wherein the housing is constructed of a suitable molded plastic (figures 1-2, col. 2, lines 1-9). Sanders et al. disclose the claimed invention except for forward surface with a height and width defining a surface area is less than 14 sq. inches, height and width less than 3 inches, and a depth of less than 1 inch, and the device without a battery weighs less than 8 ounces. It would have been an obvious matter of design choice to design a forward surface with a height and width defining a surface area is less than 14 sq. inches, height and width less than 3 inches, and a depth of less than 1 inch, and the device without a battery weighs less than 8 ounces, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 21, Sanders et al. disclose the instant claimed invention except for the device being a single-use device that is disposable after a power disruption. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to dispose the device after the power disruption occurs for the purpose of preventing failure detecting situation.

Regarding claims 30 and 33, the claimed method steps would have been inherent in the product structure as stated in claims 14-15 above.

Regarding claim 31, the claimed method steps would have been inherent in the product structure as stated in claims 16-19 above.

Regarding claim 32, the claimed method steps would have been inherent in the product structure as stated in claim 21 above.

7. ClaimS 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. (US 5,663,711) in view of Nordling (US 2002/0118498).

Regarding claim 20, Sanders et al. disclose the instant claimed invention except for the device is configured to connect to a wall panel outlet having a GFI circuit. Nordling teach a method of conversion electrical outlets to GFI outlets (paragraphs 22-24). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the method as taught by Nordling in the system as disclosed by Sanders et al. for the purpose of conversion the conventional electrical outlets to GFI outlets in order to protect appliances connected thereto.

Regarding claim 23, the claimed method steps would have been inherent in the product structure as stated in claim 20 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Price (US 5,801,635) and Zeder (US 5,434,558).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tai T. Nguyen
Examiner
Art Unit 2632

February 25, 2005